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C.W. MINING COMPANY

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4 December 1991

Dianne R. Nielson
Director
Utah Division of Oil Gas & Mining
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

RECEIVED

DEC 06 1991

Dear Ms. Nielson,

DIVISION OF
OIL GAS & MINING

Re: Compliance Program, Co-Op Mining Company, Bear Canyon Mine,
ACT/015/025, Emery County, Utah

The purpose of this correspondence is to discuss the Division letter dated August 20, 1991 involving a Potential Pattern of Violations. Co-Op Mining Company is extremely concerned about this issue and wishes to convey information that may impact the impression exhibited by the Division in the letter.

As the Division is aware Co-Op has increased it's efforts significantly during the last year to meet all compliance issues including the following:

- o Mr. Gaylon Atwood was assigned the task of coordinating on-site inspections with the Division and to ensure compliance with the approved mine plan in March, 1991.
- o Additional personnel (Mr. Marlow Peterson, Oct 1991) were assigned to conduct routine maintenance activities and to implement approved modifications to surface structures.
- o Mangum Engineering Consultants (M.E.C.) was contracted to regenerate maps the end of 1990 and to increase on-site coordination.
- o M.E.C. was contracted starting 1 Sept 1991 to implement an improved on-site permit compliance program. Charles Reynolds has been available to coordinate all on-site inspections by the Division and to direct compliance activities.
- o M.E.C. contracted to conduct on-site water monitoring activities starting Nov. 1991.

Division
EXHIBIT
#6

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Although the violations listed in the referenced Division letter may indicate a need for better coordination they do not exhibit a pattern of willfully or unwarranted failure to comply with the requirements and conditions of the State of Utah - R614 Coal Mining Rules. The five violations cited in the referenced letter are discussed on the attached pages.

The recent improvements implemented by Co-Op have been made as a conscious effort to meet all regulatory requirements. I am aware that Division personnel have expressed their appreciation for the improvements made (See Division letter dated 29 October 1991) and I am sure that the improved pattern will continue in a positive direction. Please contact me if I can assist you with any manner.

Thank you,

A handwritten signature in cursive script, reading "Wendell Owen".

Wendell Owen,
Resident Agent

cc: COP Coal Development Co.
enclosure(s)

4 December 1991

C90-26-1-1. "Conducting coal mining and reclamation without a valid coal mining permit."

The required notice for public comment was published in October 1990. This notice included both the application request for addition of the federal leases and the Permit Renewal. The notice was given to the Division in July 1990 for review and no comments were received. Following initial publication the Division notified Co-Op that the notice must be republished with the federal lease additions and Permit Renewal issues separated. This hold up resulted in public hearings being delayed. The requirement for new base maps also had a major impact on this matter.

N90-34-1-1. "The maps and cross sections in the mine plan are inaccurate and do not reflect the actual operation as conducted on the ground. ..."

This issue was determined during the final stages of the Permit Renewal process. Co-Op Mining Company contracted with reputable consultants (Horrocks and Corollo Eng., American Fork, Utah and Black Hawk Eng., Helper, Utah) to generate the maps that were used to obtain the original permit and in the approved permit in 1990. These maps had been updated as required and had gone through numerous reviews by the Division. Upon review of the concerns as to the accuracy of these maps and cross sections, Co-Op initiated procedures to generate new maps using aerial photography and computer generated data. Olympus Aerial Surveys Inc., Salt Lake City, Utah, was contracted to generate new base map data prior to the issuance of the referenced violation.

N91-35-1-1. Installation of "Hoist Road" without prior approval.

Better coordination with consultants would have precluded this violation. The hoist road was constructed during installation of dust control structures. The road is within the disturbed area boundaries.

N91-20-1-1. Hindrance violation. "Failure to submit all information required by the Division Order issued 11/27/90, (i.e. items identified as #8, #14, #17 and #18).

This violation is currently under review. Communication concerning the incomplete issues was maintained continuously during the upgrading of the mine plan and it is felt that issuance of the violation was not merited due to the nature of the work required.

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N91-26-7-2. "Failure to obtain Division approval before enlarging the shop pad."

The shop pad was enlarged due to placement of material generated during work on Sediment Pond "A" at the outslope of the shop pad. The work being conducted on Sediment Pond "A" was approved by the Division. Equipment operators were not properly following instructions given them by management when they placed the material in this location. Upon review of the situation the Division was notified of the situation and a request for change to the plan was made by M.E.C. prior to issuance of the violation. See M.E.C. letter dated 24 June 1991.



State of Utah

DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Norman H. Bangerter

Governor

Dee C. Hansen

Executive Director

Dianne R. Nielson, Ph.D.

Division Director

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July 25, 1991

TO: Lowell P. Braxton, Associate Director, Mining

FROM: Joseph C. Helfrich, Regulatory Program Coordinator

RE: Tracking System Review for the Months of July 1990 to July 1991

The preliminary pattern search for the months of July 1990 to July 1991, indicates that the referenced operator has accrued three or more, same or similar violations within the past twelve month period.

Co-Op Mining Company

ACT/015/025

Violation	Issue Dates	Nature of Violation	Inspector	Status	Negligence
C90-26-1-1	11/02/90	Conducting mining and reclamation operations without a valid coal mining permit	Bill Malencik	Civil Penalty Paid 12/06/90; No Appeal	No Negligence; 0 Points
N90-34-1-1	11/26/90	Failure to accurately depict the surface facilities of the mining operation in the mining and reclamation plan	Jesse Kelley	Civil Penalty Paid 04/13/91; No Appeal	Negligence; 12 Points
N91-35-1-1	02/27/91	Failure to conduct mining and reclamation activities in accordance with the approved permit	Susan White	Civil Penalty Paid 06/21/91; No Appeal	Greater Degree of Fault; 23 Points
N91-20-1-1	04/26/91	Failure to comply with the terms and conditions of the approved mining and reclamation plan	Pamela Grubaugh-Littig	Finalized 07/05/91; Assessment Conference Pending	Greater Degree of Fault; 20 points
N91-26-7-2 2/2	07/02/91	Conducting mining and reclamation operations without a valid coal mining permit.	Bill Malencik	Proposed Assessment 07/23/91	Greater Degree of Fault; 25 points

Compliance records for NOV #N91-26-7-2 2/2 are provided.

jbe

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